IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6460 OF 2005

Kaka Yeshwant Landge ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Shekhar Ingawale for the Applicant
Ms M.M.Deshmukh,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 13,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The Applicant is the co-accused in the F.I.R. registered under sections 143, 147, 148, 323, 325, 326, 307, 302 read with Section 149 of the Indian Penal Code. It is submitted that so far as the Applicant is concerned, the allegation is only as regards assault on the injured persons and there is no allegation that the Applicant has assaulted the deceased. The Advocate for the Applicant submitted that considering the fact that the Applicant has not played any role in the assault on the deceased, the Applicant is entitled to be enlarged on bail after filing of the charge sheet.

2. The learned A.P.P. pointed out that the statements of the eye witnesses and stated that there are allegations against the Applicant as regards assault on the deceased. The learned A.P.P. submitted that considering the allegations made in the F.I.R. and the statements of the eye witnesses, no case is

made out for enlarging the Applicant on bail.

3. I have considered the submissions. The first informant has described the roles played by the accused persons specifically. The allegation made by the first informant is that the Applicant assaulted one Sukhdeo by a wooden log. The allegation is that one Dilip was also assaulted by the Applicant by a wooden log. Apart from the said specific allegations by the first informant, he has made general allegation against the Applicant and other co-accused that they assaulted the deceased Tukaram by kicks and fist blows. The injury certificate of injured person Sukhdeo shows that he has suffered two simple injuries and one grievous injury. The grievous injury is one contusion admeasuring 6 c.m. X 3 c.m. on lower Forearm. The other injured person is Dilip Landage. The said Dilip has been allegedly caused two injuries by the Applicant. One is grievous and the other is simple. The grievous injury is C.L.W. which is on lower left side thigh. The specific allegation against the Applicant is that he assaulted the said two injured persons by a wooden log. In so far as deceased is concerned, P.M.Notes shows various injuries all over the body. The first informant who is an eye witness has stated that the co-accused Malhari Ashok Waghmare and Vijay Kaka Landage assaulted the deceased. As a result, the deceased lost consciousness. This is also the version of the other prosecution witnesses.

4. There are no criminal antecedents of the Applicant. It appears that prior to the incident the Applicant and the co-accused have lodged a complaint against the family members of the injured persons in the present case. After completion of investigation charge sheet has been filed. Hence, a case is made out for enlarging the Applicant on bail.

5. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.60 of 2005 registered with Atpadi Police Station, Sangli subject to furnishing a personal bond of Rs.10,000/- (Ten thousand only) with one or two local sureties in the like amount.

ii) Bail is granted subject to the condition that the Applicant will report to the concerned Police station once in a fortnight.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge

for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE